



UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
v. ) Case No.: 3:11-00012-14  
 ) Senior Judge Wiseman  
DEMETRIUS DUNCAN )

**MOTION TO SEVER<sup>1</sup>**

COMES NOW Defendant Demetrius Duncan, by and through his undersigned counsel, and pursuant to Rules 8(a), 8(b), 12(b)(3) and 14 of the Federal Rules of Criminal Procedure, hereby moves this honorable Court for an Order severing Defendant Duncan from all remaining Defendants charged in the Indictment (Docket Entry 202).

Defendant Duncan will supplement this Motion with a supporting Memorandum of Law and Exhibits once undersigned counsel has fully reviewed all of the relevant materials and law.

**WHEREFORE**, Defendant Duncan respectfully requests that this Honorable Court grant this Motion.

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<sup>1</sup> On May 6, 2012, Defendant Duncan filed a Motion to Extend the Deadline for Filing Pretrial Motions. (Docket Entry 798). The Court denied that Motion today, May 7, 2012. (Docket Entry 806). Given the Court's ruling and the potential for waiver should the deadline pass without motions being filed, undersigned counsel is filing this Motion in order to preserve Defendant Duncan's litigation of these issues, and will supplement this filing with a separate supporting Memorandum of Law and Exhibits, if relevant and necessary, once undersigned counsel can thoroughly digest and review the materials related to this Motion. Any Memorandum of Law will be filed so that the government will have an abundance of time to file its response well in advance of the July 10, 2012 hearing date as set by the Court. (Docket Entry 808). Undersigned counsel has spoken with AUSA Sunny Koshy today, and discussed additional personal and medical reasons (which were not included in Docket Entry 798 because undersigned counsel did not want them to become part of the public record) necessitating a delay in filing any Memorandum of Law. AUSA Koshy has indicated that he has no objection to the delayed filing of any Memorandum of Law.